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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,166	08/16/2004	Joseph J. Berke	1521C-002	9537

7590 05/06/2005

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EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,166

Applicant(s)

BERKE ET AL.

Examiner

Charles E. Phillips

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,12,14-17 and 26-28 is/are pending in the application.
4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,14-17 and 26-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al in view of Pollock et al.

The former teach a dispensing system connected to a sink faucet. The hose and dispenser are seen at 20 and 10, connected as claimed here. The dispenser is seen mounted via bracket 15. Lacking is the use of a liquid soap. The later teaches a similar device employing a liquid soap 6 in container 5. As both teach sink environments it would have been obvious to provide for the source of Fletcher et al to be liquid as taught by Pollock et al. The term "laundry tub" describes no structure not shown by Fletcher et al.

Claims 1, 2, 4, 12, 14, 15, 17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al in view of Pollack et al as set forth in the rejection of claim 16 above, and further in view of Hardy and Davison.

Hardy teaches the container particulars of lines 7-13 and Davison at col. 3, lines 59-62, teaches the expedient of container level observation through a housing having stored containers. To provide for the supply container to be of a nature of Hardy and the sight expedient and housing of Davison would have been obvious to the ordinary artisan as same are shown to be know in the same art environment. Re: claim 28, Hardy and Davison teach plural containers.

Re: claim 1, the housing is seen at 24 of Davison and it is axiomatic that some portion thereof i.e. a cover must be removable in order to replace the containers. Re: claim 2, the latter two teach venturing action with Hardy meeting claim 4. The manual rotation of claim 1 is seen in Fig. 5, see col. 8, lines 3-6, with the biasing spring seen at 66.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Greenhut et al.

To employ the well-known expedient of a needle valve such as taught here at 112 would have constituted an obvious expedient to the ordinary artisan.


Claim 6 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/18/05.

Lofgreen shows another spring-based dispenser.

Any inquiry concerning this communication should be directed to Charles Phillips at telephone number (571) 272-4893.

Phillips/PJ

04/18/05


Charles E. Phillips
Primary Examiner